

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.



**United States
Department of
Agriculture**

**Animal and
Plant Health
Inspection
Service**

Animal Welfare Enforcement FY 1980

**Report of the Secretary of Agriculture
to the President of the Senate and the
Speaker of the House of Representatives**

CONTENTS

Legislation(5)
Regulations(5)
Field Enforcement(6)
Staff Support(6)
Training(7)

Licensing and Registration(7)
Licensed Dealers(8)
Carriers and Intermediate Handlers(8)
Animal Exhibitors(9)
Research Facilities(9)

Reports from Research Facilities(9)
Inspections and Investigations(10)
Inspection of Animals in Transit(10)
Animal Fighting Ventures(12)
Marine Mammal Care(12)

Investigation of Public Complaints(13)
Prelicensing Inspections(13)
Compliance Inspections(13)
Searches(14)
Apparent Violations(14)

Summary Suspensions and Confiscations(14)
Legal Action(14)
Letters of Warning(15)

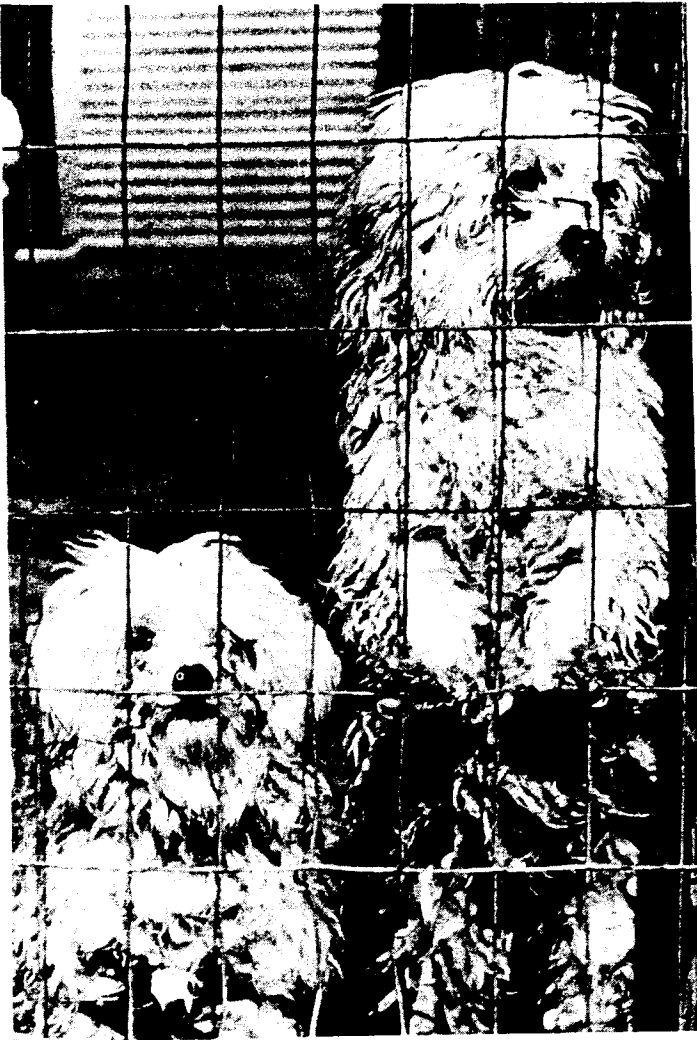
Public Information(15)
Discussions on Farm Animal Welfare(16)
Public Correspondence(16)
Freedom of Information Requests(16)
Legislative Recommendations(16)

Appendix

Table 1. Number of active licensees and registrants(18)
Table 2. Animals used in experimentation(19)
Table 3. Animals experiencing pain or distress (drugs omitted because they would interfere with the purpose of research or testing)(20)
Table 4. Animals to which pain-relieving drugs were administered to avoid pain or distress(21)
Table 5. Number of inspections(22)
Table 6. Number of cases closed(23)

Separates

List of Licensed Dealers
List of Registered Research Facilities
List of Licensed Exhibitors
List of Registered Exhibitors
List of Registered Carriers and Intermediate Handlers



The Secretary of Agriculture annually prepares a report on enforcement of the Animal Welfare Act (7 U.S.C. Sections 2131 et. seq.), as required by Section 25 of the Act. The present report covers fiscal year 1980, which began October 1 and ended September 30, 1980.

In summary, the year saw progress in improving the care and handling of animals covered by the Act. Heavy emphasis was placed on two new areas of responsibility, animal transportation and marine mammal exhibits.

During the fiscal year, the average rate of compliance inspections was 2.8 per

licensed or registered facility, excluding registered carriers and intermediate handlers. Inspection, however, plummeted to near zero during the fourth quarter because officials determined that the inspection rate during the first 9 months of the year could not be maintained without exceeding the appropriation for the year (\$4.3 million). As a result, only three staff members worked on animal care and virtually no field work could be performed during the fourth quarter.

Legislation

Animal welfare legislation, first enacted in 1966 (PL 89-544), originally regulated trade in dogs and cats procured for laboratory research, as well as dogs, cats, hamsters, guinea pigs, rabbits, and non-human primates held by certain research facilities.

Amendments in 1970 broadened coverage to most other warmblooded animals, including those used in research, exhibitions, and the wholesale pet trade. At that point, the law became known as the Animal Welfare Act. An amendment in 1976 (PL 94-279) extended coverage further, notably over live-animal transportation. Administration and enforcement of the Act is assigned to the U.S. Department of Agriculture (USDA).

Regulations

The Act requires USDA to set minimum standards for the care and treatment of animals. These standards cover handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation of incompatible animals, veterinary care, and transportation.

Not included under the Act are farm animals used for production or agricultural research; and all coldblooded animals, such as reptiles and fish. In addition, birds and laboratory rats and mice are exempted by regulation.

violations for prosecution or other effective action. Staff members include specialists on laboratory animals, exhibition animals (including marine mammals), pet animals, animal transportation, and compliance methods and procedures.

Training

APHIS designs and conducts training courses on animal care for the field force. Two courses were conducted, primarily for animal care specialists and animal care compliance officers. One course on care and treatment of marine mammals was attended by 75 people, and the other, on laboratory animal care and animal transportation, was attended by 67 people.

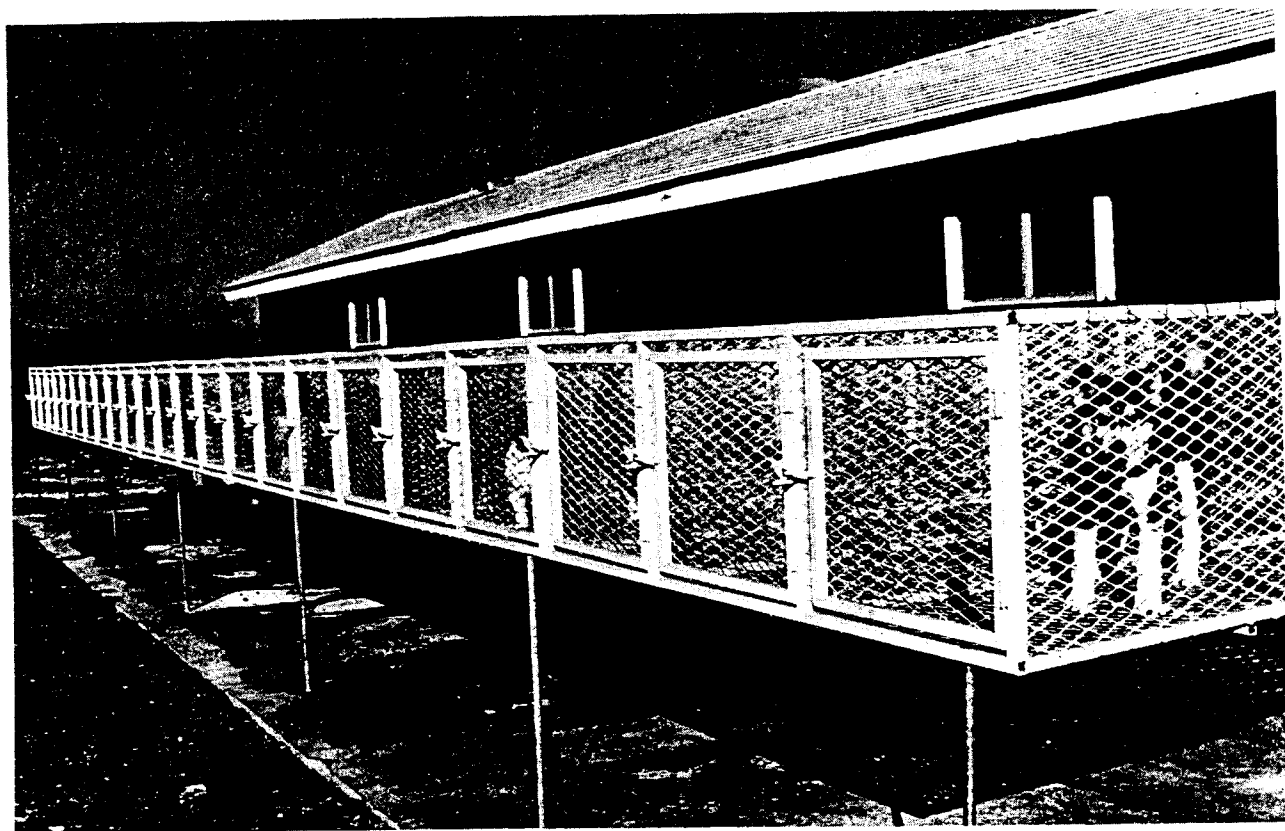
APHIS also arranges for outside training. Animal care specialists and compliance officers are encouraged to attend seminars and conferences conducted regionally by

organizations involved in animal welfare such as the American Association for Laboratory Animal Science, the American Association of Zoological Parks and Aquariums, the Humane Society of the United States, and the American Humane Association.

Licensing and Registration

Persons subject to the Animal Welfare Act must be licensed or registered by USDA. Lists of licensees and registrants are added to this report as separates.

Dealers, operators of auctions selling dogs and cats, and most exhibitors are required to be licensed and they must pay an annual fee. Licenses remain valid until terminated voluntarily by the licensee, revoked or suspended by USDA, or canceled automatically if not renewed when the annual fee is due.



Intermediate handlers are enterprises taking custody of animals in connection with their transportation in commerce. In practice, most are kennels that offer airport pickup and delivery service for pets.

Dealers, research facilities, and exhibitors may function as carriers and intermediate handlers but need not have a separate registration. Departments, agencies, or instrumentalities of Federal, State, or local governments can also be intermediate handlers.

At the end of 1980, 97 carriers and 177 intermediate handlers were registered (appendix, table 1). Five carriers and one intermediate handler voluntarily terminated their registrations during the year.

Animal Exhibitors

Exhibitors must obtain a license if their animals are exhibited for compensation and these animals were purchased, sold, or transported in commerce (or if their sale, transportation, or exhibition affects commerce). Compensation received by exhibitors can be gate receipts or indirect income, such as sales to customers attracted by the animal exhibit. Exhibits specifically required to be licensed include animal acts, carnivals, circuses, and zoos whether operated for profit or not. All exhibitors, including those who qualify for registration instead of licensing, as well as Federal agencies exhibiting animals, are required to comply with USDA standards of animal care.

At the end of 1980, there were 1,101 licensed exhibitors and 170 registered exhibitors (appendix, table 1). During the year, 105 exhibitors voluntarily terminated their licenses and 61 voluntarily terminated their registrations; many of the canceled registrations came about because the exhibitors were required to become licensed.

Research Facilities

State-owned and privately owned clinics, hospitals, laboratories, universities, colleges, drug firms, cosmetic testing firms, and most diagnostic laboratories are required to register with USDA if they use animals regulated under the Act. They must have an attending veterinarian as a consultant, a member of the staff, or a member of the institutional animal care committee. The veterinarian supervises compliance with USDA standards on the care and treatment of laboratory animals, including the maximum possible protection under the Act from painful research procedures.

Registered research facilities can be placed into an "inactive" status if research or experimentation on regulated laboratory animals is temporarily suspended. (No other registrants are put into an "inactive" status.) At the end of 1980, there were 62 inactive research facilities. Officials are studying the possibility of terminating inactive registrations after a reasonable period.

At the end of 1980, there were 1,092 active research facilities, 71 of which became registered during the year (appendix, table 1).

Exempt from registration as research facilities are elementary and secondary schools, institutions using exempted species of live animals in research, and Federal agencies. However, Federal agencies, just as registered research facilities, must comply with USDA standards for animal care and treatment, and they must submit an annual report on the use of laboratory animals (see following section).

Reports from Research Facilities

Registered research facilities, both active and inactive, and all Federal research facilities are required to send



Carriers are checked to see that they have adequate facilities and personnel to handle the animals and are enforcing the conditions they must require from shippers. The overall care provided to animals by the shipping licensee is assessed by checking the health and condition of animals as they pass through the airport. Attention also is given to the amount of time animals spend in transit; size and construction of the container; temperature and ventilation; and feeding, watering, and health care for the animals.

Inspections at airports are made more frequently than at other locations because the turnover rate of animals is high. Animals shipped by several licensees can be checked in a single visit, and the

facilities of several carriers can be visited at a typical airport.

During the fiscal year, 19,134 inspections were made at airports.

A special effort was made to improve the ventilation provided to animals shipped during the summer. APHIS has continued funding research on ventilation and temperature requirements of animals in transit, with work being done at the veterinary colleges of Kansas State University and the University of Florida, as well as at a Federal Aviation Administration unit in Oklahoma.

Extensive public complaints indicated that the interim ventilation requirements were



Recently, some exhibitors have said that APHIS has set some required pool sizes too high because officials erred in determining the average size of certain marine mammals; and that minimum dry resting areas for some species also were set too high. Officials are studying these problems and may consider reducing the pool size and resting area required for some marine species.

APHIS and the U.S. Department of Commerce's National Marine Fisheries Service, the U.S. Department of the Interior's Fish and Wildlife Service, and the Marine Mammal Commission have a four-way agreement on assuring adequate care and treatment for marine animals. The agencies have agreed that no permits to obtain new marine mammals are to be granted to exhibitors who cannot fully meet USDA standards. Agriculture, Commerce, and the Commission conducted joint inspections during the year to implement the agreement.

Investigation of Public Complaints

APHIS officials put a high priority on investigating public complaints about conditions at licensed or registered establishments, and during 1980 they continued to receive many reports of apparent problems.

After reviewing the public complaints, 747 on-site inspections were made (appendix, table 5).

Prelicensing Inspections

Prelicensing inspections of dealers and exhibitors are made to assure that their facilities, housing, equipment, and programs of veterinary care meet Federal standards.

APHIS representatives conducted 1,838 such inspections during 1980 (appendix, table 5).

Compliance Inspections

All licensees and registrants are inspected periodically to determine if they continue to meet USDA regulations and standards. Unannounced inspections are made at their place of business and all premises where they keep regulated animals.

Inspectors attempt to secure needed corrections when deficiencies in animal care are observed. Deficiencies are noted on an inspection sheet, with a copy for the licensee or registrant involved, and a time limit is set for making corrections.

A total of 37,830 compliance inspections were completed during the year (appendix, table 5). This constitutes an average rate of 2.8 compliance inspections per licensee or registrant, exclusive of inspections at airports and intermediate handlers.

cases, penalties were imposed, including license suspensions, license revocations, cease-and-desist orders, and fines totaling \$4,470. The fines, imposed in six cases, ranged in amount from \$170 to \$2,000.

The 1980 prosecutions included the first violations charged against a public carrier and an intermediate handler. A major airline was charged with transporting dogs in substandard shipping containers and shipping a dog in obvious physical distress. This case was settled with a \$2,000 fine and an agreement that the airline be more effective in educating its employees on animal transportation standards. An animal delivery service was charged when three puppies in its care died from heat prostration after being left in a parked van on a hot day. This case was settled by imposition of a cease-and-desist order.

Letters of Warning

Some reports of alleged violations are closed by letters of warning which caution those responsible against committing further violations. Warning letters generally deter further violations, but when they are not heeded, they strengthen the case for future prosecution.

In 1980, APHIS closed 59 cases with letters of warning (appendix, table 6).

Warning notices also are sent in cases where minor violations appear to be cumulative, such as animal handling deficiencies by airline personnel. Such cases remain open, for later prosecution if the cited infractions continue. In 1980, APHIS sent seven such notices.

Public Information

Public information to support APHIS animal welfare activities is handled by the APHIS Information Division. Information materials about animal welfare are distri-

buted through newspapers, magazines, radio, television, and group meetings. In addition, staff officers, field officials, and information specialists cooperate in bringing talks, exhibits, and information materials to conventions and exhibitions sponsored by industry and humane associations.

During 1980, APHIS launched a written information service directed specifically to licensees and registrants--in part to supplement the declining number of personal visits made by inspectors. Readers are informed about inspection trends and receive suggestions on how to avoid problems.

Press releases are issued to announce when charges are filed on animal welfare violations and when the matter is resolved. APHIS finds that when it publicizes animal welfare violations, people take notice and become more diligent in upholding Federal standards of animal care. Major program changes also are publicized. Press releases are mailed to target audiences, such as humane societies and publishers of trade magazines. USDA regional information offices also distribute this news to local newspaper publishers and television and radio stations.

During 1980, APHIS issued 35 press releases and four feature articles on the animal welfare program.

In addition, APHIS filled requests for a large quantity of various program information materials. Newly prepared during the year was a 19-page booklet, "Prosecutions for Animal Welfare Violations (1968-1980)," which gives individual summaries of 124 cases and their resolution; and a 10-page brochure, "Dealing in Animals? They Need Proper Care," directed at animal dealers and transporters.

APHIS also issued revised versions of an 8-page folder for the general public, titled "The Animal Welfare Act--How It

This requirement no longer protects licensees and registrants, inasmuch as the information published in the report is available in other documents accessible through the Freedom of Information Act. Distribution of this report, therefore, is needlessly delayed, and needless efforts are made to safeguard copies until distribution is specifically approved by the Congress. Thus, it would be helpful if this paragraph of section 25 were repealed.

The Department is continuing to analyze other problems and concerns related to enforcing the Act. At this point, no further suggestions for amending the Act are ready for submission. However, the thorough review of the regulations planned for 1981 is likely to uncover areas in which the Act, as well as its regulations, needs to be amended.

Table 2.--Animals used in experimentation (FY 1980)

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea Pigs	Hamsters	Rabbits	Wild Animals
TOTAL U.S.	975	1,661,904	188,783	68,482	56,024	422,390	405,826	471,297	49,102
Alabama	6	12,060	3,550	870	372	608	3,728	2,836	96
Alaska	0	0	0	0	0	0	0	0	0
Arizona	8	6,751	886	342	165	1,358	1,337	2,348	315
Arkansas	2	4,321	1,014	554	35	798	1,295	621	4
California	81	148,627	9,293	4,480	4,030	29,248	40,466	53,866	7,244
Colorado	20	26,470	5,345	910	212	6,674	4,291	8,118	920
Connecticut	10	17,757	788	500	213	6,749	3,662	5,676	169
Delaware	5	21,320	389	98	27	10,313	8,050	2,035	408
Florida	32	30,102	3,510	1,973	600	2,942	2,766	16,918	1,393
Georgia	5	30,811	1,401	594	2,021	351	24,540	1,745	159
Hawaii	4	1,685	38	230	295	306	300	406	110
Idaho	3	856	19	13	0	536	0	141	147
Illinois	50	84,557	12,128	2,357	2,686	21,174	11,598	30,765	3,849
Indiana	14	20,926	4,299	738	104	7,962	2,192	5,479	152
Iowa	8	29,417	3,640	1,413	303	5,796	12,152	5,742	371
Kansas	16	49,600	2,243	845	26	10,124	27,672	7,450	1,240
Kentucky	4	8,099	1,738	290	41	615	4,382	1,013	20
Louisiana	9	13,975	2,656	1,087	3,656	1,549	687	3,377	963
Maine	5	669	1	3	1	73	249	323	19
Maryland	14	49,776	4,378	1,417	5,789	9,401	17,057	11,598	136
Massachusetts	48	67,292	6,188	1,646	1,271	10,451	23,764	20,200	3,772
Michigan	37	65,265	9,926	2,185	1,366	23,020	5,744	22,717	307
Minnesota	15	27,852	6,911	1,844	156	6,515	923	9,392	2,111
Mississippi	3	3,020	853	102	55	455	415	1,070	70
Missouri	21	43,332	7,712	2,547	673	8,752	4,543	17,476	1,629
Montana	1	667	8	32	0	332	0	283	12
Nebraska	6	34,142	1,393	405	0	2,177	27,241	2,857	69
Nevada	1	635	0	40	0	396	12	125	62
New Hampshire	2	1,586	60	458	0	16	507	382	163
New Jersey	48	172,221	13,425	2,336	3,213	59,450	33,724	59,392	681
New Mexico	5	10,551	2,114	104	765	1,078	5,245	823	422
New York	95	154,036	18,171	10,679	3,983	58,417	21,598	36,928	4,260
North Carolina	14	36,060	4,206	2,492	2,253	10,985	3,785	8,026	4,313
North Dakota	2	613	141	14	0	103	0	326	29
Ohio	52	51,533	6,936	9,698	514	14,296	2,706	16,260	1,123
Oklahoma	8	4,629	1,145	519	177	650	119	1,549	470
Oregon	14	10,153	607	425	2,478	1,036	2,675	2,253	679
Pennsylvania	72	111,289	8,574	3,346	1,455	38,933	25,694	31,316	1,971
Rhode Island	6	2,054	210	303	141	51	1,103	136	110
South Carolina	4	6,735	1,795	178	43	138	3,576	904	101
South Dakota	1	120	14	0	0	65	0	36	5
Tennessee	10	33,688	4,794	477	518	6,254	14,262	7,171	212
Texas	36	74,928	13,209	2,941	5,499	8,084	17,411	24,976	2,808
Utah	8	7,034	1,013	571	10	417	93	4,494	436
Vermont	4	2,583	19	7	10	324	365	1,654	204
Virginia	7	10,451	1,185	299	2,618	3,849	650	1,784	66
Washington	15	34,143	3,845	1,152	1,405	15,511	4,553	6,273	1,404
West Virginia	2	5,125	391	155	95	2,647	465	1,254	118
Wisconsin	13	35,577	2,862	1,378	1,390	5,760	19,924	3,791	472
Wyoming	4	708	26	36	0	101	415	71	59
Puerto Rico	5	7,853	480	20	1,892	125	60	5,236	40
District of Columbia	2	198	101	11	9	23	0	54	0
Federal Agencies	118	88,052	13,153	3,368	3,459	25,402	17,830	21,631	3,209

Table 4.--Animals to which pain-relieving drugs were administered to avoid pain or distress (FY 1980)

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea Pigs	Hamsters	Rabbits	Wild Animals
TOTAL U.S.	673	481,716	129,014	39,227	21,610	82,683	86,944	111,253	10,985
Alabama	5	8,376	3,000	627	87	412	3,345	833	72
Alaska	0	0	0	0	0	0	0	0	0
Arizona	7	2,589	674	342	39	724	343	452	15
Arkansas	1	1,983	608	169	23	533	174	476	0
California	47	40,209	6,936	2,672	1,031	7,610	5,490	15,214	1,256
Colorado	13	6,228	3,126	508	15	678	227	1,653	21
Connecticut	7	4,930	450	430	97	2,242	695	976	40
Delaware	2	4,534	81	41	15	10	3,930	419	38
Florida	20	7,664	2,208	1,481	45	390	882	2,421	237
Georgia	4	3,025	1,069	449	6	173	379	926	23
Hawaii	2	118	13	0	95	6	0	4	0
Idaho	1	76	19	0	0	0	0	57	0
Illinois	32	20,655	7,544	1,036	1,074	1,057	5,084	4,242	618
Indiana	8	9,252	3,396	559	31	2,347	1,280	1,604	35
Iowa	6	5,993	2,929	983	142	261	540	1,138	0
Kansas	9	5,802	746	39	17	40	3,337	1,544	79
Kentucky	3	5,329	1,536	254	37	274	2,628	592	8
Louisiana	7	7,232	2,359	895	1,096	560	157	1,866	299
Maine	4	342	0	3	0	11	216	112	0
Maryland	9	19,886	3,501	1,262	578	4,105	4,741	5,699	0
Massachusetts	32	26,679	4,254	1,320	415	1,123	10,673	8,611	283
Michigan	27	21,196	6,785	1,903	680	5,931	2,272	3,534	91
Minnesota	12	14,869	6,552	1,808	86	3,153	122	1,513	1,635
Mississippi	2	1,927	840	94	9	0	384	530	70
Missouri	15	14,276	4,121	584	187	3,954	1,061	4,235	134
Montana	1	28	8	0	0	0	0	20	0
Nebraska	4	4,738	320	106	0	15	2,739	1,558	0
Nevada	1	70	0	20	0	0	0	50	0
New Hampshire	2	614	60	458	0	0	68	28	0
New Jersey	28	28,985	6,455	1,390	1,328	14,580	2,093	3,130	9
New Mexico	5	1,406	22	0	621	70	450	63	180
New York	65	37,256	10,346	5,439	2,403	5,930	4,809	7,956	373
North Carolina	12	12,745	3,424	1,605	226	1,190	2,191	3,167	942
North Dakota	1	310	89	5	0	35	0	163	18
Ohio	40	14,481	5,323	1,545	125	1,673	1,547	4,166	102
Oklahoma	5	3,475	1,059	481	114	523	78	1,113	107
Oregon	8	5,452	305	242	1,238	769	2,214	590	94
Pennsylvania	44	27,295	5,517	2,430	699	8,284	5,219	4,132	1,014
Rhode Island	4	1,730	210	303	0	34	1,102	81	0
South Carolina	4	1,286	836	100	43	29	120	118	40
South Dakota	1	14	14	0	0	0	0	0	0
Tennessee	7	7,385	3,652	274	154	1,073	200	1,865	167
Texas	25	29,480	10,419	2,420	3,681	1,274	5,257	6,093	336
Utah	6	2,143	974	563	7	2	0	553	44
Vermont	2	154	0	2	0	0	0	152	0
Virginia	7	9,834	1,180	295	2,618	3,849	623	1,203	66
Washington	7	10,262	1,912	448	588	398	2,646	3,190	1,080
West Virginia	2	645	240	10	1	292	0	102	0
Wisconsin	10	9,177	1,430	444	391	2,382	2,317	2,107	106
Wyoming	3	655	26	36	0	95	415	64	19
Puerto Rico	2	212	120	5	22	25	15	15	10
District of Columbia	2	171	93	11	7	12	0	48	0
Federal Agencies	100	38,543	12,233	3,136	1,539	4,555	4,881	10,875	1,324

Table 6.--Number of cases closed (FY 1980)

State	Total closed	By Prosecution	Cases closed without prejudice*	Warning issued
TOTAL U.S.	179	20	100	59
Alabama	2	1	1	0
Alaska	0	0	0	0
Arizona	2	1	1	0
Arkansas	1	0	1	0
California	9	0	8	1
Colorado	4	1	1	2
Connecticut	2	0	0	2
Delaware	0	0	0	0
Florida	8	1	3	4
Georgia	3	1	0	2
Hawaii	0	0	0	0
Idaho	0	0	0	0
Illinois	6	0	4	2
Indiana	2	0	2	0
Iowa	7	4	3	0
Kansas	14	3	7	4
Kentucky	1	0	1	0
Louisiana	6	1	4	1
Maine	2	0	0	2
Maryland	2	0	1	1
Massachusetts	19	2	11	6
Michigan	5	0	5	0
Minnesota	8	0	3	5
Mississippi	5	1	3	1
Missouri	7	0	3	4
Montana	2	0	2	0
Nebraska	2	0	1	1
Nevada	0	0	0	0
New Hampshire	1	0	1	0
New Jersey	4	0	1	3
New Mexico	0	0	0	0
New York	6	1	4	1
North Carolina	2	0	2	0
North Dakota	0	0	0	0
Ohio	12	0	4	8
Oklahoma	4	0	3	1
Oregon	7	0	6	1
Pennsylvania	0	0	0	0
Rhode Island	0	0	0	0
South Carolina	4	2	0	2
South Dakota	0	0	0	0
Tennessee	0	0	0	0
Texas	15	1	10	4
Utah	0	0	0	0
Vermont	0	0	0	0
Virginia	2	0	2	0
Washington	1	0	0	1
West Virginia	0	0	0	0
Wisconsin	1	0	1	0
Wyoming	0	0	0	0
Puerto Rico	1	0	1	0
District of Columbia	0	0	0	0

*Includes cases for which further action is not warranted.